

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BILLY DRIVER, JR.,

Plaintiff,

v.

MAYA, *et al.*,

Defendants.

No. 1:23-cv-1251 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE FOR
PLAINTIFF'S FAILURE TO EXHAUST
ADMINISTRATIVE REMEDIES, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THIS CASE
(Doc. 17)

Billy Driver, Jr. is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The assigned magistrate judge found Plaintiff had not exhausted his administrative remedies, and recommended the action be dismissed. (Doc. 17.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were to be filed within 14 days after service. (Doc. 17 at 3.) In addition, the Court informed Plaintiff that the “failure to file objections within the specified time may result in the waiver of the ‘right to challenge the magistrate’s factual findings’ on appeal.” (*Id.* at 4, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) No objections have been filed, and the deadline to do so has expired.

According to 28 U.S.C. § 636 (b)(1)(C), this Court conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge’s Findings and Recommendations are supported by the record and by proper analysis. Thus, the

Court **ORDERS**:

1. The Findings and Recommendations issued on September 5, 2023 (Doc. 17), are **ADOPTED** in full.
2. This action is **DISMISSED** without prejudice due to Plaintiff's failure to exhaust administrative remedies.
3. The Clerk of Court is directed to terminate all pending motions and close this case.

IT IS SO ORDERED.

Dated: **October 3, 2023**


UNITED STATES DISTRICT JUDGE